

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1699 of 2012

IN

Civil Writ Jurisdiction Case No. 12306 of 2009

- =====
1. The Regional Provident Fund Commissioner (Enforcement) Bihar, 6 Serpentine Road, Patna
 2. The Recovery Officer, Office of Regional Provident Fund Commissioner, Bihar, 6 Serpentine Road, Patna
 3. The Enforcement Officer, Central Circle , Officer of Regional Provident Fund Commissioner , Bihar, 6 Serpentine Road, Patna

.... Appellants

Versus

Devi Dayal School, Pirmuhani, Kadamkuan, Patna through its Secretary, Private School, Resident of Shanti Bhavan, Pirmuhani, Kadamkuan, Patna-3

.... Respondents

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Appearance :

For the Appellants : Mr. Jai Prakash Verma, Advocate.
For the Respondent : Mr. M.P. Srivastava, Advocate.
Mr. Pankaj Majjorwey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

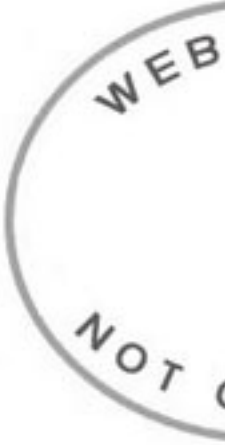
Date: 27-07-2015

Learned counsel for the appellants states that due to inadvertence Union of India through Secretary-cum-Legal Advisor, Ministry of Labour and Rehabilitation, Government of India was impleaded as Appellant No. 1 herein in place of Union of India through Regional Provident Fund Commissioner, as such, learned counsel for the Union of India is permitted to delete Appellant No. 1 from the array of parties.

2. Heard learned counsel for the appellants and the respondent.

3. Appellant Regional Provident Fund Commissioner has filed this appeal assailing the order of the learned Single Judge dated 07.05.2012 passed in C.W.J.C. No. 12306 of 2009, whereunder order passed by the Assistant Provident Fund Commissioner assessing the establishment of the respondent under Section 7A of the Act after clubbing respondent school with two other schools, said to be under the same Management, has been set aside remanding the matter back to the Assistant/Regional Provident Fund Commissioner, Patna with direction to reconsider the matter in the light of the directions contained in the impugned order and proceed with de novo enquiry to finalize the number of employees working in the three schools as also to find out whether the three schools were under the same Management and then to pass final order.

It appears, interest of the workers is suffering since the enquiry in terms of the provisions of the Act has not been completed for



substantially long period and in appreciation of such fact it is directed that the respondent school will appear before the Assistant/Regional Provident Fund Commissioner concerned as early as possible in any case within three weeks from today and cooperate in the enquiry so that the enquiry is over within two months from the date of receipt/production of a copy of this order and appearance of the respondent before the competent authority, whichever is later.

4. With the aforesaid observation/direction the appeal is dismissed.

(V.N. Sinha, J)

(Jitendra Mohan Sharma, J)

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